

South Australia

Child Safety (Prohibited Persons) (Exemption) Amendment Regulations 2023

under the *Child Safety (Prohibited Persons) Act 2016*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Child Safety (Prohibited Persons) (Exemption) Amendment Regulations 2023*.

2—Commencement

These regulations come into operation on 30 June 2024.

Part 2—Variation of *Child Safety (Prohibited Persons) Regulations 2019*

3—Amendment of regulation 13—Prescribed functions and powers

Regulation 13(a)—delete paragraph (a)

4—Substitution of regulation 27

Regulation 27—delete the regulation and substitute:

27—Temporary exemptions

(1) This regulation applies to—

(a) a person—

- (i) who has applied for a working with children check in accordance with the Act (whether before or after the commencement of this regulation); and

- (ii) in respect of whom a working with children check was previously conducted within the 5 years immediately preceding the making of the application; and
 - (iii) whose application had not been completed by the central assessment unit before the fifth anniversary of the conduct of the previous working with children check; or
 - (b) any other person determined by the Registrar by instrument in writing to be a person to whom this section applies,
(however this regulation does not apply to a person who is, or has ever been, a prohibited person).
- (2) This regulation ceases to apply to a person—
 - (a) in the case of a person referred to in subregulation (1)(a)—on the completion of a working with children check in respect of the person (including, to avoid doubt, a working with children check referred to in section 28 or 30); and
 - (b) in the case of a person referred to in subregulation (1)(b)—
 - (i) on the completion of a working with children check in respect of the person; or
 - (ii) if the written instrument specifies a date on which this regulation ceases to apply to the person—on that date; or
 - (iii) if the person contravenes a condition of the exemption; or
 - (iv) if the written instrument specifies an event on the occurrence of which this regulation ceases to apply to the person—on the occurrence of that event,
whichever occurs first; and
 - (c) in any case—if the person becomes a prohibited person.
- (3) A person to whom this regulation applies is exempt from the operation of section 16 of the Act.
- (4) An exemption under this regulation relating to a person referred to in subregulation (1)(b) is subject to such conditions as may be specified by the Registrar in the written instrument.
- (5) The employer of a person to whom this regulation applies is exempt from the operation of the following provisions of the Act to the extent that the provision relates to that person:
 - (a) section 17(1)(b)(i);
 - (b) section 18(1);
 - (c) section 18(2)(a).

- (6) An exemption under subregulation (5) ceases to have effect in relation to a person to whom this regulation applies if this regulation ceases to apply to the person.
- (7) The central assessment unit is exempt from the operation of sections 41(1)(b) and 42(1)(b) of the Act in respect of a person to whom this regulation applies (however, nothing in this subregulation prevents the central assessment from nevertheless complying with those requirements).
- (8) For the purposes of this regulation, a person will be taken to have made an application for a working with children on the day on which a receipt is issued to the person in accordance with section 27(4)(a) of the Act.

Made by the Governor

with the advice and consent of the Executive Council
on 14 December 2023

No 120 of 2023